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Chairman: Mr. Ball ..... (New Zealand)

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The meeting was called to order at 10.15 a.m.

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(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/53/72–S/1998/156, A/53/81–S/1998/225, A/53/82–S/1998/229, A/53/83–S/1998/230, A/53/86–S/1998/240, A/53/89–S/1998/250, A/53/93–S/1998/291, A/53/95–S/1998/311, A/53/98–S/1998/335, A/53/113–S/1998/345, A/53/115–S/1998/365, A/53/268, A/53/279, A/53/284, A/53/293 and Add.1, A/53/304, A/53/309, A/53/313, A/53/324, A/53/337, A/53/400 and A/53/501; A/C.3/53/6; A/C.3/53/L.5)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/53/84–S/1998/234, A/53/114, A/53/120, A/53/182–S/1998/669, A/53/188, A/53/322, A/53/355, A/53/364, A/53/365, A/53/366, A/53/367, A/53/402, A/53/423, A/53/433, A/53/490, A/53/504, A/53/530, A/53/537, A/53/539 and A/53/563; A/C.3/53/3 and A/C.3/53/8)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/53/36)

1. **Mr. Hammarberg** (Special Representative of the Secretary-General on Human Rights in Cambodia), introducing his report (A/53/400), said that the phenomenon of impunity continued to be a most serious problem in Cambodia, in particular with regard to unlawful acts by the military and the police. The court system lacked resources and personnel, despite useful contributions from bilateral cooperation and the United Nations judicial mentors programme, and there was a need for the Cambodian Government to give higher priority to the problem. The supreme council of the magistracy, whose role was, *inter alia*, to oversee the functioning of the judicial system and make appointments to the judiciary, had finally been convened in December 1997, and must now take action to guarantee the independence of the judiciary. Moreover, article 51 of the 1994 law on civil servants needed to be repealed as soon as possible because that provision granted civil servants excessive protection which made the task of the judges extremely difficult.

2. Certain political crimes had still not been clarified. The experts who had been appointed to inquire about the methods of investigation had recommended reforms of the system, and the Government had decided to establish a human rights committee to investigate human rights violations and propose reforms of the administration of justice. The United Nations had undertaken to provide the Committee with legal and technical expertise.

3. Another dimension of impunity related to the massive human rights violations committed by the Khmer Rouge. However, the Government and the opposition had accepted the offer of international assistance to put an end to impunity. A group of experts appointed by the Secretary-General in July 1998 would arrive in Cambodia in November to assess evidence and propose further measures.

4. Prison conditions, including the provision of food to prisoners, were very poor. There was an urgent need for reform of the prison system. Australia had proposed an aid project for that purpose.

5. The Ministers of Justice and of the Interior had taken steps to punish police malpractice — excessive use of firearms during arrests, ill-treatment and even torture during interrogations — but those measures needed to be incorporated within a comprehensive strategy.

6. The protection of women's rights also left much to be desired. The rate at which girls dropped out of school was high and women were victims of domestic violence, had insufficient access to health care, and did not participate in political and public life.

7. Reforms were needed to protect the rights of the child: education must be improved, children's courts must be reformed, the practice of recruiting minors to the armed forces must be stopped, hazardous child labour must be prohibited, and the sexual exploitation of children (who were often exposed to infection by the human immunodeficiency virus) must be combated more effectively.

8. There was a need to improve the protection of minorities, especially the Vietnamese, who were the target of xenophobic attacks, and of indigenous peoples, whose livelihood was threatened by illegal logging.

9. Anti-personnel mines continued to claim many victims in Cambodia. A major conference had recently been held in Cambodia on the subject. Demining operations needed to be supported; the Cambodian Government's decision to submit a draft law to the National Assembly banning all production, trade, stockpiling and use of anti-personnel mines was a welcome development.

10. The international community must not forget that Cambodia was still paying the price of war, repression and massacres; it must help Cambodia build a society which was ruled by law and protected human rights.

11. **Mr. Strohal** (Austria), speaking on behalf of the European Union, said that the European Union was prepared to help the Cambodian people build a stable and democratic future. He asked for more information about the Cambodian human rights committee, the group of experts which was to visit Cambodia in November, the supreme council of the magistracy, and assistance by the international community to minorities and indigenous peoples.

12. **Ms. Syahruddin** (Indonesia) said that it was not for the Cambodia office of the United Nations High Commissioner for Human Rights but for the Cambodian Government to investigate human rights violations. The Office of the United Nations High Commissioner for Human Rights would not be supported by the international community unless its office in Cambodia remained within the limits of its mandate. In that context, she noted that according to paragraph 158 of the report (A/53/400), the mandate of the office did not include any investigative function, but paragraphs 171 and 172 referred to monitoring and investigations. She requested explanations on that apparent contradiction.

13. She welcomed the financial assistance provided by Denmark to non-governmental organizations working to protect human rights in Cambodia.

14. **Mr. Londono** (United States of America) asked about the atmosphere which had prevailed in Cambodia during and after the elections and on the conditions in which opposition leaders could return to the political scene and exercise their civil and political rights.

15. **Mr. Hammarberg** (Special Representative of the Secretary-General for Human Rights in Cambodia), replying to the representative of Austria, said that the Cambodian Human Rights Committee was a governmental entity established to assist the police in conducting investigations. Some elements of Cambodian society had proposed the creation of an independent commission, and the Government intended to submit a draft bill on the question, but the parliamentary procedure would take time. The United Nations system had offered its assistance and advice, but the Government had not responded to that offer.

16. As to the group of experts, its mandate was not to look into matters involving human rights violations, but to evaluate the existing evidence concerning violations committed between 1975 and 1979. The Government and the opposition had declared their intention to cooperate with the group of experts, and the international community should be prepared to provide assistance if it was asked to do so.

17. The Supreme Council of the Magistracy was supposed to oversee the functioning of the justice system, appoint judges and decide on disciplinary action against court personnel when required. Regrettably, it must be acknowledged that the Council had yet to fulfil the role expected of it; that situation must be remedied and, in particular, the Council should be provided with the necessary resources.

18. With regard to minorities, there were two major problems: first, there were the xenophobic attitudes of Cambodians towards Vietnamese, which were sometimes reflected in lethal acts of violence; unfortunately, the Law on Nationality only mentioned Khmers. The Government had promised to amend the law and to settle the question of identity cards. The second problem concerned the indigenous populations which were suffering as a result of the illegal exploitation of the forests in which they lived, especially in the north-eastern part of the country. The Government had stated that it was paying close attention to that problem.

19. Replying to the representative of Indonesia, he noted that the Cambodian Office of the High Commissioner for Human Rights had a mandate to contribute to the strengthening of institutions which protected human rights, and to train the police, judges and the military. The judicial training programme offered very useful courses and seminars. The Office could, incidentally, also conduct fact-finding so as to enhance the value of human rights reports. Under no circumstances could it substitute for the police or the courts.

20. Lastly, replying to the representative of the United States, he stressed that his role was not to evaluate the legality of the July elections, but to coordinate and follow up human rights activities. There had been lethal acts of violence before, during and after the elections, and it had not yet been possible to clear up all the cases. The politicians in exile, fearing for their safety if they returned to Cambodia, had requested the United Nations to send representatives to monitor the situation, but that was a matter for the

Government to decide. The Government had promised to ensure the safety of the opposition politicians.

21. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) introduced his report (A/53/423, annex). Up to April 1998, the efforts of the Government that had taken office in 1997 to improve the human rights situation had appeared to be bearing fruit, although much had remained to be accomplished. During the period under review, the Government had done a great deal to strengthen the rule of law and promote tolerance. Nevertheless, there had recently been some disturbing signs. Reformers, political dissidents and commentators had been detained under unacceptable circumstances, apparently for having criticized the situation in the country. The detainees had not had access either to their families or to a lawyer, and no specific charges had been brought against them; they had been abused while in detention and some had apparently disappeared.

22. The Government should include in its reform agenda measures to improve the lot of religious and ethnic minorities. The situation of the Ba'hais, in particular, had deteriorated since the completion of the report. One Ba'hai had been executed and the death sentences of two others had been confirmed, despite personal assurances given to him by the Prosecutor-General. A major campaign seemed to have been launched against the open learning network of the Ba'hai community, a network established in part because of the difficulty Ba'hais faced in enrolling in universities. There were reports that Ba'hai homes had been ransacked.

23. With regard to the fatwa against Salman Rushdie, the Iranian and United Kingdom Governments appeared to have reached an accommodation in September. Nevertheless, Iranian sources suggested that the fatwa remained in effect. He intended to discuss the matter with the Iranian Minister for Foreign Affairs.

24. Contrary to what was stated in paragraph 62 of his report, it was the People's Mujahedeen Organization of Iran and not the National Council of Resistance which had claimed responsibility for the grenade attack in July 1998. He reaffirmed his condemnation of all acts of political violence.

25. It was regrettable that, contrary to what he had been led to expect, the Iranian Government had not yet invited him to visit the country. It was to be hoped that the Government would soon return to cooperation with the Commission.

26. **Mr. Kanavin** (Norway) requested clarification as to how the Special Representative was communicating with the Iranian authorities, given that he had not been invited to Iran. The United Nations and Member States should do whatever they could do to ensure greater security for the Ba'hais.

27. **Mr. Londono** (United States of America) requested further details concerning the tendency of the Iranian authorities to invoke national security as an excuse for violating basic human rights in relation to the status of women, limitations on freedom of the press and the status of minorities; lastly, he wished to know, in particular, whether the persecution of the Ba'hais was attributable to the Government or to non-governmental entities. With regard to cooperation between the Government and the Special Representative, he asked why the Special Representative had not yet been invited to visit Iran, whereas the Government seemed willing to discuss the human rights situation in the country.

28. **Mr. Strohal** (Austria), speaking on behalf of the European Union, said it was regrettable that the Special Representative had not been able to visit Iran; he would appreciate further details concerning the judicial reform in Iran and any means of strengthening the measures adopted and evaluating the progress made. With regard to the status of women, he asked whether the Special Representative, who had indicated a certain pessimism in that regard, knew the reasons which had prompted the Supreme Council to decide that Iran would not accede to the Convention on the Elimination of All Forms of Discrimination against Women. The European Union welcomed the trend towards greater openness on the part of the Islamic Human Rights Commission and requested that all possible efforts should be made to strengthen it. With regard to the treatment to which the Ba'hais, of whom one had been executed, were subjected, he asked what role the international community could play in remedying the situation.

29. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran), replying to the representative of the United States, said that his communications with the Iranian authorities consisted of meeting figures in Geneva who had been sent by the Government. Those meetings were no substitute for a visit to the country, which was an important element of his mandate. According to the information he had received, an invitation could be forthcoming in the near future.

30. It seemed that the pretext of national security had been invoked to cover up religious or ethnic persecutions. Security was a legitimate concern, but a fair balance should

be ensured between the rights of the individual and those of the State. Likewise, in the case of freedom of expression some restrictions were legitimate but only in the implementation of well-defined criteria, and that was still not the case in Iran.

31. As to the status of women, he was not aware of the reasons prompting the Supreme Council of Islamic Revolution to decide that the Islamic Republic of Iran would not accede to the Convention: that question should be put to the Government. He was more pessimistic than he had been when the new Government came to power, because the situation of women had not really improved since then.

32. The judicial reform was an internal matter, and he could only give advice. Various programmes had been developed to that end (the programme of action for prisons, monitoring the quality of the judicial machinery, and exchange visits between the Iranian bar and those of other countries). He would be kept informed. As to the Islamic Human Rights Commission, the Paris Convention determined the criteria for establishing whether a national commission was genuinely independent. He would be following the situation.

33. As to the situation of the Baha'is, he could not say whether it was the doing of the Government. In any event, the solution could only come from the Government and should in the first instance involve recognition of full citizenship for the Baha'is, with all the rights enjoyed by other Iranians.

34. **Ms. Stamatopoulous** (Deputy Director of the Office of the High Commissioner for Human Rights at New York), introducing the report of the Special Rapporteur on the situation of human rights in Afghanistan, said that, regrettably, the situation of human rights in Afghanistan had not improved since the Special Rapporteur had taken up his duties in 1995. The fighting had intensified, resulting in numerous casualties, including the civilian population. Mass killings and other alleged violations of human rights which had taken place in the north of the country in 1997 and 1998 were particularly grave. The atrocities committed by all parties involved in the conflict had widened the ethnic and religious divisions and further undermined the social fabric.

35. Lack of security had prevented the Special Rapporteur from travelling to the region prior to finalizing his report to the General Assembly. He had, however, received reliable and very detailed information about the events which had taken place during the reporting period, the gravity of which had prompted him to address a memorandum to the Taliban authorities which contained allegations of serious violations of human rights in northern Afghanistan in August and September 1998. He was grateful for their prompt reply. There had been allegations of mass killings, principally but not exclusively of members of the Hazara ethnic minority in Mazar-e-Sharif, and the situation of Shiites in general had become very precarious. Several senior figures from the Turkmen community had also been arrested and killed. The international community could not remain inactive in the face of events of such gravity. An independent investigation of the killings should be conducted, and its results accepted by all parties. The international community should monitor more closely the situation of human rights in Afghanistan and assist the Afghans in creating conditions conducive to national reconciliation.

36. The situation of women and girls who were denied access to health care, education and employment in all areas held by the Taliban remained a source of serious concern. The international community should strive to ensure that all members of Afghan society enjoyed their basic rights in conformity with international standards.

37. **Mr. Rodríguez** (Cuba) said that today's political and social problems had been exacerbated by an economic crisis without precedent which threatened to spread throughout the world through globalization. He wondered what measures the United Nations and its human rights mechanisms could take to protect the poor, the hungry, the sick, the illiterate, children, the elderly and women in the developing countries from the effects of that crisis. Millions of people were living below the poverty threshold, were dying of hunger, and did not have access to appropriate health care, drinking water or electricity, and millions of children were dying every year before reaching the age of five from malnutrition and curable and preventable diseases in the countries of the South. At the same time, enormous sums of money were spent on pet food, cosmetic products and cigarettes in Europe and the United States. Neither the Bretton Woods institutions nor market forces would solve that problem. It was irrefutable that the 1990s had seen an increasing gap opening up not only between the poor countries and the rich countries but also within the developed countries, where the scourge of poverty was growing, particularly as a result of the influx of poor immigrants, to which racism, xenophobia and repression attempted to put a stop.

38. Although human rights and fundamental freedoms for all, including the right to development and economic, social and cultural rights, were enshrined in the Charter of the United Nations, confrontation between hegemonic interests rather than cooperation was the rule in the various human rights bodies of the United Nations. No system could claim to be a model of democracy and human rights, and it was not democratic to threaten and even punish dissenting countries.

39. His country had proved its commitment to human rights by submitting all the required reports to the competent United Nations bodies and by cooperating with the Commission on Human Rights in all areas. His Government had recently invited the Special Rapporteurs on violence against women, its causes and consequences, and on the question of the use of mercenaries to visit Cuba in 1999. Seminars and other joint activities in the field of human rights would be organized in 1999 in a spirit of transparency and mutual respect.

40. Cuba was proud of its record in the field of human rights. Despite the United States blockade and economic difficulties, no Cuban died of hunger or lacked medical care or social protection; no Cuban child was deprived of schooling. His country did not claim to be a model but prided itself on having established a home-grown democracy ensuring direct and full participation in decision-making for every Cuban, with no exception. Cuba was proud of its people's values and of their strong unity, resilience, commitment to work and determination to defend the revolution which had brought them national independence and dignity. It reaffirmed its willingness and readiness for dialogue and cooperation with all States and on all the items on the United Nations agenda, particularly in the field of human rights.

41. **Mr. Nesho** (Albania) said that despite the recommendations contained in General Assembly resolutions since 1992 the human rights situation in Kosovo had tragically deteriorated into a policy of ethnic cleansing and genocide. Since the beginning of 1998, the Serbian military and police forces had launched a military attack against the Albanian population which had left thousands of innocent victims, including pregnant women, children and elderly people. They had deliberately shelled Albanian villages, destroying one third of the houses and forcing more than 300,000 people to flee, and had brought about a catastrophic humanitarian situation, with people living in the open without shelter, food or medical assistance. A tragedy comparable to that in Bosnia was in the making and the international community had not been able to prevent its happening. The events in Kosovo threatened international peace and security; the Security Council had adopted three resolutions and issued a number of statements, while OSCE had sent a verification mission to the region. The crisis was both humanitarian and political. Any solution should respect the desire of the ethnic Albanians for self-determination.

42. His Government strongly supported the efforts of the international community to find a peaceful solution to the crisis, while emphasizing that such efforts must be accompanied by diplomatic pressure, the use of force and a strong international monitoring presence and that the perpetrators of the genocide, especially Mr. Milošević, should be brought to justice. There would be no peace without justice. His delegation would welcome the opening of a human rights office in Kosovo. It was convinced that the members of the Committee would, as in previous years, support in large numbers the current year's resolution on the situation of human rights in Kosovo, as a message that genocide and ethnic cleansing were unacceptable and as a sign of solidarity with the Albanian people.

43. **Mr. Kanavin** (Norway) said that the protection and promotion of human rights were primarily the responsibility of States, but the United Nations could help States meet their commitments by offering advice and assistance in the field. To that end, it needed resources (the allocation to the Office of the High Commissioner for Human Rights was inadequate), partners (it was the responsibility of all Member States to ensure that human rights permeated the work of all parts of the United Nations system), tools (a comprehensive set of standards for human rights had been established, except that a declaration on the rights of indigenous peoples was unfortunately lacking) and political vision (human rights, including the right to development, were universal and indivisible).

44. Every country had the duty to respect and promote human rights both at home and throughout the world.

45. In Asia, the human rights situation in Afghanistan was one of the most serious in the world. Women were excluded from participation in the country's economic, social and political life and countless civilians had been killed or had disappeared. In Myanmar the Government persisted with its widely condemned violations of human rights. His delegation urged it to release all political prisoners, to allow all citizens to participate freely in the political process, to enter into a dialogue with Aung San Suu Kyi and other representatives of the opposition and of minorities, and to remove all restrictions on their freedom of movement. China had recently signed the International Covenant on Civil and Political Rights and embarked on a dialogue with Norway. The human rights situation still, however, gave rise to concern, particularly with regard to the treatment of political dissidents and prisoners, the continued use of the death penalty, the attacks on freedom of religion or belief and the situation of Tibetans. In East Timor further instances of killings, disappearances, torture and excessive use of force by the military had been reported. His delegation urged the Indonesian Government to expedite the release of East Timorese political prisoners.

46. In the Islamic Republic of Iran the lifting of the fatwa against Salman Rushdie had been announced, but the human rights situation remained extremely worrying, with regard to the Baha'is, among others. It was regrettable that the human rights situation in Iraq had not improved and that the oppression of the Shi'a community, one element of which was the assassination of its religious leaders, continued. In Saudi Arabia the situation of women's rights and of freedom of religion and belief was of particular concern.

47. In Africa, his Government was particularly worried about the atrocities against the civilian population in the Democratic Republic of the Congo. In the Sudan the human rights situation remained extremely serious. While appreciating the reinstatement of the legal government in Sierra Leone, his delegation was distressed by senseless violations of humanitarian law committed by various groups in the civil war. The recent improvement in the human rights situation in Nigeria was to be welcomed.

48. His delegation considered that in Algeria transparency and the rule of law were prerequisites for a successful fight against terrorism. It welcomed the visit made to the country by a panel of eminent personas led by Mr. Soares and believed that the Special Rapporteurs on Extrajudicial, Summary or Arbitrary Execution and on Torture should also be invited to Algeria.

49. In Latin America, the armed conflict and the general level of violence in Colombia denied the population their fundamental human rights. All efforts to end the conflict should be supported.

50. The human rights situation in the Federal Republic of Yugoslavia still gave cause for serious concern. His delegation urged that country to repeal the recent law on information and to adopt legal instruments in accordance with international standards. It condemned the excessive use of force by Serb security units and atrocities committed by both Serbs and Albanians. Norway strongly supported the call for an investigation by the United Nations High Commissioner for Human Rights of all alleged atrocities in Kosovo.

51. Turkey had engaged in dialogue with Norway on human rights, with particular attention being given to freedom of expression and the recognition of cultural rights for the Kurdish population. Such bilateral dialogue constituted a valuable supplement to efforts within the multilateral framework.

52. **Mr. Konishi** (Japan), after paying tribute to the work of the special representatives and rapporteurs, said it was regrettable that it had not been possible for some reports to be submitted to the Committee because the special rapporteurs concerned had assumed their posts only recently. His delegation hoped that at the next session all reports would be submitted in a timely manner.

53. His Government had adopted a range of measures to promote a gender-equal society, to ensure the protection of children's rights and to provide relief for persons whose rights were violated. In 1997 the Government had formulated the National Plan of Action for the United Nations Decade for Human Rights Education, 1995–2004, and in July 1998 it had made public a review of the progress made in implementing the plan.

54. In the context of the fiftieth anniversary of the Universal Declaration of Human Rights, the Government had, together with the United Nations University, hosted a symposium on human rights in the Asia-Pacific region, focusing on the Declaration. On 10 December 1998 a ceremony would be held in Tokyo attended by the heads of the Government, the judiciary and the legislature. A commemorative postage stamp would be issued and a nationwide awareness-raising campaign launched.

55. Although the promotion and protection of human rights was a legitimate concern of the international community, the objective of General Assembly debates must be to assist countries, not to level accusations at them. His delegation, although still concerned by the human rights situation in the Islamic Republic of Iran, noted the progress being made in that area, as shown in particular by the creation of a commission to ensure implementation of the Constitution. In Nigeria, despite some incidents, progress had been made towards civilian rule, which was a trend the international community should encourage.

56. Stressing that the United Nations, particularly the Office of the High Commissioner for Human Rights, played an essential role in the protection and promotion of human rights, he said that despite budgetary constraints his Government continued to contribute approximately $1 million per year to those efforts. It also contributed to human rights operations in the field: it had contributed $700,000 for operations in Rwanda and $800,000 for operations in the former Yugoslavia, and had decided to contribute $180,000 for operations in Kosovo. However, given the steadily increasing workload of the Office of the High Commissioner and the human rights treaty bodies, his delegation reiterated that it was urgent to increase the Organization's regular budget allocations for the promotion and protection of human rights.

57. **Mr. Strohal** (Austria), speaking on behalf of the European Union, the associated countries Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, the associated country Cyprus and, in addition, Iceland, said that human rights were universal and problems must first be identified before measures could be taken to solve them.

58. The European Union had adopted a wide range of measures to combat racism and intolerance and had created a system for the protection of human rights within the framework of the Council of Europe. Some problems nevertheless persisted in member States, in the areas of economic, social and cultural rights and even some fundamental freedoms. The establishment of the European Court of Human Rights should contribute to better guaranteeing respect for human rights.

59. In addition to that European mechanism, global mechanisms and instruments played a useful role in the defence of human rights. Cooperation with special rapporteurs, special representatives, working groups and treaty monitoring bodies, was essential. A country which refused to cooperate gave the impression that it had something to hide. In the past year, no country on whose behalf he was speaking had refused any requests from a United Nations human rights mechanism.

60. The European Union supported a wide range of programmes and projects in the field of human rights, the rule of law and electoral assistance and encouraged democracy and the rule of law at all times. Accordingly, it had participated in the preparation of the electoral process in Cambodia and had sent more than 200 observers to that country, where the human rights situation remained a source of concern and where, since July 1997, there had been many extrajudicial executions. The Union called on the new Government to put an end to impunity.

61. The European Union, which endorsed the position stated by the Human Rights Committee and shared by an increasing number of States, was endeavouring to promote the universal abolition of the death penalty. Where the death penalty still existed, the Union called on countries which had not abolished it, to limit its use and to respect international minimum standards. The Union had intervened to protect a number of persons condemned to death and had explained its policy on capital punishment to the representatives of several Governments, in particular the Bahamas, China, the Islamic Republic of Iran, Jamaica, the Palestinian Authority, St. Kitts and Nevis, Trinidad and Tobago, and the United States. It deeply regretted the execution of 24 soldiers who had taken part in the *coup d'état* in Sierra Leone; in that connection, it hoped that the recent decision by the Government of Equatorial Guinea to commute to life imprisonment the death sentence imposed on 15 members of the Bubi tribe would serve as an example for other countries.

62. The European Union welcomed China's willingness to integrate itself further into the United Nations human rights protection system: China had recently been visited by the High Commissioner for Human Rights and had signed the International Covenant on Civil and Political Rights. China was, however, still far from meeting internationally accepted standards on human rights or the rule of law. Its policy in Tibet and the excessive use of the death penalty were also sources of concern. It was to be hoped that the constructive dialogue which the European Union had begun with China would lead to an improvement in the situation.

63. The European Union had stated its position on various human rights violations and had presented a comprehensive summary of those concerns at the fifty-fourth session of the Commission on Human Rights. It had included a memorandum in the Presidency's statement to the plenary General Assembly. It also intended to present draft resolutions on the human rights situation in the Democratic Republic of the Congo, the Islamic Republic of Iran, Iraq and Nigeria.

64. Concerned by the atrocities committed in Kosovo, the European Union reiterated its appeal to the authorities in Belgrade and the leaders of the Kosovo Albanian community to seek a peaceful solution. It urged the authorities in Belgrade to facilitate the return of refugees to Kosovo and to guarantee humanitarian organizations access to Kosovo. Also of concern was the situation in Serbia, where freedom of the press had been dealt a hard blow and the new university law obstructed the right to education. The Union called on the Government of the Federal Republic of Yugoslavia to enter into a dialogue with the opposition and with non-governmental organizations in order to democratize and liberalize its political and economic system and to guarantee full respect for human rights, including those of minorities, with a view to its full integration into the international community.

65. The European Union welcomed the 1998 elections in Bosnia and Herzegovina and called on the newly elected bodies to implement the Dayton Peace Agreement, and in particular to accelerate the return of refugees to areas where they would be an ethnic minority. The Union called on all parties to cooperate in the exhumation of victims in Bosnia and Herzegovina and to collaborate with the International Criminal Tribunal for the former Yugoslavia; it welcomed

the surrender of a number of indicted Bosnian Serbs and Bosnian Croats. The decision by the Croatian authorities to cooperate with the international community in the return and reconciliation programme was a step in the right direction; however, it was regrettable that Serbs who wished to return to their homes in Croatia were reportedly often subject to harassment.

66. The human rights situation left much to be desired in Belarus, especially with respect to freedom of expression: freedom of the press was limited, peaceful demonstrators and journalists had been arrested and beaten, and new media legislation violated international standards.

67. In Turkey, there continued to be reports of torture, ill-treatment, extrajudicial executions and restrictions on the freedom of expression. The security forces continued to act with impunity. The European Union called on Turkey to respect the rule of law and international human rights standards.

68. The Union reaffirmed that the status quo in Cyprus was unacceptable and fully supported Security Council resolution 1178 (1998).

69. The situation in Algeria was a matter of grave concern to the European Union, which welcomed the reaction of the Algerian authorities to the report of the Panel of Eminent Persons; however, the Panel's visit to Algeria was no substitute for Algerian cooperation with United Nations human rights mechanisms, particularly the Special Rapporteurs on torture and on extrajudicial, summary or arbitrary executions. The European Union appealed to Algeria to give full effect to the concluding observations of the Human Rights Committee and reiterated that terrorism could be combated only in the context of the rule of law and of international human rights standards.

70. The European Union deplored the human rights situation in several countries of the Middle East. In Iraq, the policy of repression and oppression continued, there were extrajudicial executions and torture, and the Government was not cooperating with the Special Rapporteur. In Saudi Arabia, a country which was a party to the United Nations Convention Against Torture, there were still reports of torture and other inhumane treatment; there was a lack of transparency and of essential safeguards in judicial proceedings, and the Vienna Convention was not respected. The European Union remained very concerned about the situation of women in Saudi Arabia; also, despite some progress, freedom of religion was still limited. The European Union called upon Saudi Arabia to strengthen its cooperation with United Nations bodies and to consider ratifying the two Covenants and other major human rights treaties. In Israel, interrogators continued to use methods that were tantamount to torture, and illegal land confiscation and destruction of Palestinian homes continued. There were also reports of human rights violations by the Palestinian authorities, including arrests, detention without trial and torture.

71. Although some leaders in Iran had demonstrated a willingness to move towards tolerance and a more open debate on issues of governance and human rights, the human rights situation in Iran continued to warrant serious concern. There were reports of a high number of executions, torture, cruel, inhuman or degrading treatment and other violations of international standards, as well as of discrimination against religious minorities, particularly the Baha'i community, one member of which had recently been executed and two others sentenced to death. The European Union called upon Iran to protect the fundamental rights of women and to invite the Special Representative to visit the country.

72. In Latin America, Cuba had invited the Special Rapporteur on violence against women to visit the country. A number of political prisoners had been released, but repression of the political opposition and of dissidents had not ended. The European Union urgently appealed to Cuba to cooperate with all human rights mechanisms of the United Nations and to move towards democratic pluralism and respect for human rights and fundamental freedoms.

73. The European Union appealed to the Haitian authorities and political parties to resolve the political and electoral crisis in order to break the deadlock and restore the rule of law.

74. The European Union believed that a meaningful peace settlement represented the best opportunity for an improvement in the human rights situation in Colombia, and encouraged the new Colombian Government to find a solution to the long-standing internal conflict and address the serious problem of impunity.

75. The European Union welcomed the continuing progress made by Guatemala since the peace agreement of 1996, but was concerned about persistent human rights violations, including the murder of Bishop Gerardi.

76. In Africa, the European Union supported a variety of projects aimed at strengthening democracy and a human rights culture. It was concerned about the situation in the Great Lakes region, and supported the idea of an international conference on security and cooperation in the region, to be held under the auspices of the United Nations and the Organization of African Unity. It repeated its call for a negotiated resolution of the conflict in the Democratic

Republic of the Congo, and appealed to the Congolese authorities to enforce a policy upholding democracy, respect for human rights and the rule of law. The European Union deplored the killings of unarmed civilians, and regretted that the Secretary-General's Investigative Team had had to be withdrawn. It urged the authorities to carry out their own inquiry into the allegations.

77. In Rwanda, disappearances and killings continued in the wake of genocide. Too many crimes went unpunished and too many prisoners were awaiting trial. The European Union encouraged the International Criminal Tribunal for Rwanda to continue its efforts to bring the perpetrators of atrocities to justice. The European Union regretted the discontinuation of the Human Rights Field Operation in Rwanda because no agreement had been reached between the High Commissioner for Human Rights and the Rwandan Government. The European Union fully supported the establishment in Rwanda of an independent national human rights commission, but wished to stress that national commissions needed to be set up according to internationally recognized principles.

78. With regard to Burundi, although the European Union welcomed the Arusha peace process, the opening of a dialogue between the various groups and the closing of most regroupment camps, human rights violations were still too frequent. The European Union would like to pay a tribute to the work of the United Nations human rights monitors in Burundi.

79. The European Union was still preoccupied by the continued conflict in southern Sudan, which had led to many human rights violations, including killings, abductions, looting and sexual exploitation of children. It called on the Government of Sudan to improve its communication with the High Commissioner for Human Rights and to cooperate with the Special Rapporteur.

80. The European Union welcomed the democratization process in Nigeria and the release of a large number of political prisoners. It was prepared to provide technical support for the elections.

81. The European Union was concerned about the deteriorating political and military situation in Angola and the violations of human rights and international humanitarian law.

82. The situation in several Asian countries was also disturbing. The European Union condemned the public executions in Afghanistan and the cruel methods used. It urged the factions to assist the Secretary-General in investigating reports of mass killings of prisoners of war and civilians. It condemned the murders of United Nations personnel and foreign diplomats in Taliban-held areas, and deplored the violations of fundamental rights of women and girls, in particular in areas controlled by the Taliban.

83. In Burma/Myanmar, massive human rights violations such as forced labour, forced movement of the population, summary and arbitrary executions, violation of women's human rights and violations of the rights of ethnic and religious minorities persisted. The repression of the democracy movement continued. The European Union was gravely concerned about the interference with Aung San Suu Kyi's freedom of movement and the arrest of over 1,000 democracy activists, as well as the refusal to agree to a visit by the troika of the European Union. It called on the authorities to enter into a dialogue with the National League for Democracy and with Aung San Suu Kyi and other groups and to immediately release all political prisoners. Increased efforts must be made in the human rights field in order to prevent social unrest brought about by the financial and economic crisis in Asia. The European Union was committed to contribute to those efforts.

84. The European Union remained concerned that continued restriction of fundamental freedoms in Malaysia might lead to political violence. In particular, it was deeply concerned about reports of physical mistreatment of former Deputy Prime Minister Anwar Ibrahim during his detention.

85. The European Union took note with interest of the national plan of action on human rights launched by Indonesia, and welcomed the recently signed Memorandum of Understanding between Indonesia and the Office of the High Commissioner for Human Rights. It called upon Indonesia to implement the recommendations of the Commission on Human Rights concerning the question of East Timor. The negotiations sponsored by the United Nations seemed to have improved the prospects for progress.

86. The conflict between India and Pakistan was likely to jeopardize human rights in Kashmir. The European Union urged India and Pakistan to continue dialogue.

87. It was essentially up to the Governments to protect human rights, but the international community had the right and the duty to support and supplement their action. The United Nations could play an important role because of its operational capability. Surveillance was not an end; it was a means. International monitoring must give way to national monitoring. The European Union was ready to support any activity aimed at strengthening capacity in the human rights field.

88. Fifty years after the adoption of the Universal Declaration of Human Rights the ideal of the universal enjoyment of all human rights was still far from being achieved but that ideal was now making itself felt on the world stage. The European Union was determined to do everything it could to realize that ideal.

89. **Mr. Beyendeza** (Uganda) said that his country was totally committed to human rights. The Constitution of Uganda devoted a whole chapter to human rights. Also, Uganda — which had signed and ratified all the major international human rights instruments — had established a human rights commission responsible, *inter alia*, for investigating complaints about human rights violations. Further, Uganda planned to put in place coordination mechanisms on human rights issues. The Ugandan Government had also adopted programmes with the aim of ensuring gender equality and meeting the needs of the most disadvantaged groups, including women, young people and the disabled.

90. In the conviction that human rights, democracy and the right to development were interdependent, Uganda encouraged participation by all groups in society in running the country's affairs. Realizing that education was a necessary condition for the protection of human rights, it had introduced universal primary education and had embarked, in cooperation with regional organizations and the United Nations, on a national human rights education programme for all population groups and particularly officials in the judiciary or the executive, legislative and military branches.

91. Like many other delegations, the Ugandan delegation wished to highlight the effects of poverty on the human rights situation. Countries that needed it must be given technical and financial assistance to overcome poverty. In Uganda, the problem of poverty was being compounded by the problem of terrorist groups that were maiming, raping and massacring people with impunity in various regions of the country. The victims were primarily women and children: for example, 10,000 children had been deprived of their basic human rights and been drafted as child soldiers or subjected to rape, abuse and sexual exploitation. The Ugandan delegation once again appealed to the international community to prevail upon the terrorists and their sponsors to cease their activities immediately and unconditionally release all the children they were holding.

92. **Mr. Ruiz y Ávila** (Mexico) expressed regret that despite the progress made since the proclamation of the Universal Declaration of Human Rights 50 years ago, there were still many violations. In that connection, he dwelt on the fate of migrant workers, who were often deprived of their rights — to education, health care and so on — and even of the right to life, for the simple reason that they had been forced to leave their own countries.

93. Globalization had further quickened the pace of migration, which transformed the host countries into multiethnic and multiracial societies. It was vital to recognize that migrant workers, who now numbered 94 million, some 1.56 per cent of the world's population, brought benefits to their countries of origin as well as to their host countries. Nevertheless, they were victims of all forms of police brutality, xenophobia and racial hatred. Many host countries were enforcing restrictive immigration policies that were doomed to failure because emigration was an unstoppable phenomenon.

94. It was therefore vital for the rights of migrant workers to be protected. Mexico welcomed the impending entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Mexico had begun its ratification procedure for the Convention and had submitted a draft resolution to the Commission on Human Rights urging all States to accede to the Convention. It was to be hoped that the recommendations of the working group of intergovernmental experts on the human rights of migrant workers established by the Commission on Human Rights would result in specific measures to guarantee migrant workers equal rights with other workers. So long as those rights were not guaranteed, the principles of the Universal Declaration of Human Rights of 1948 would not be truly universal.

95. **Ms. Syahruddin** (Indonesia) stressed that the responsibility for protecting human rights lay with Governments. That was why Indonesia had established a National Commission on Human Rights in 1993. Moreover, it had launched a national plan of action on human rights in four parts, namely, preparation for ratification of international human rights instruments; dissemination of information on human rights and human rights education; priority action on human rights issues; and implementation of international human rights instruments ratified by Indonesia. A national committee made up of Government and community representatives would be made responsible for implementing the plan.

96. Indonesia, which was a proponent of universal ratification of all human rights instruments as urged by the World Conference on Human Rights in Vienna in 1993, had brought its legislation into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment in September 1998. It hoped to have ratified the International Convention on the Elimination of All Forms of Racial

Discrimination by the end of that year. It anticipated ratifying the International Covenant on Economic, Social and Cultural Rights the following year and several other international human rights instruments in the four years that followed, culminating with the International Covenant on Civil and Political Rights. His Government intended to establish a working group to coordinate activities under the United Nations Decade for Human Rights Education; it intended also to establish several study centres on human rights in universities. It would strive to disseminate international human rights standards among law enforcement officials.

97. She stressed that poverty was a serious obstacle to the enjoyment of human rights. Solving the poverty problem must remain a priority of the international community. She awaited with interest the work of the Open-ended Working Group on the Right to Development. Her delegation welcomed the Memorandum of Understanding between the Office of the United Nations High Commissioner for Refugees and the Indonesian Government designed to assist Indonesia in implementing the new framework for the protection and promotion of human rights. It also welcomed the forthcoming seminar on the universality of human rights and the Universal Declaration of Human Rights from the Islamic perspective.

Agenda item 109: Right of peoples to self-determination (*continued*) (A/C.3/53/L.17 and L.26*)

Draft resolution A/C.3/53/L.26

98. **Mr. Mekhemar** (Egypt), introducing draft resolution A/C.3/53/L.26* [entitled "The right of the Palestinian people to self-determination], announced that Liechtenstein, Suriname and the United Republic of Tanzania had joined the sponsors and pointed out that the draft resolution was substantially identical to the draft resolution on that subject submitted during the fifty-second session save that a fourth preambular paragraph had been added to take account of the difficulties that had been encountered in the Middle East peace process and in the first operative paragraph, it was stated that the option of a Palestinian State was not excluded. However, the main new feature of the text before the Committee was that Palestine was listed as a sponsor. That was a major step forward and congratulations were due to Palestine and thanks to the sponsors and co-sponsors of the draft resolution.

Draft resolution A/C.3/53/L.17

99. **Mr. Bogoreh** (Djibouti) said that his delegation had not been present during the vote on draft resolution A/C.3/53/L.17, entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination", but would have voted in favour.

The meeting rose at 1.05 p.m.